

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक .W.R.:....62..... सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	IN THE HIGH COURT OF JUDICATURE AT BILASPUR WRIT APPEAL NO. 62 /2007 D.B. : HON'BLE SHRI L.C. BHADOO AND HON'BLE SHRI DHIRENDRA MISHRA, JJ. Appellant : Lal Bahadur s/o Shri Motilal Plot No. 48 M.P. Nagar, Kosabadi, Korba (C.G.) Licensee for Country & Foreign Liquor BALCO Group of Shops for the year 2006-2007 Versus Respondents : 1. State of Chhattisgarh through The Secretary Department of Excise & Commercial Tax, Secretariat, DKS Bhawan Raipur (C.G.) 2. Excise Commissioner, Govt. of Chhattisgarh, Secretariat, DKS Bhawan, Raipur (C.G.) 3. Assistant Commissioner of Excise, Korba (C.G.) 4. The Collector Korba, District Korba (C.G.) ----- Present: Shri P.K. Bhaduri, learned counsel for the applicants. Shri Prashant Mishra, learned Addl. A.G. with Shri U.N.S. Deo, learned G.A., appears for the State. -----	

P.T.O.

मामला क्रमांक : ५३००/२००६ सन् २००७

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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ORDER (Passed on 30.3.2007) <u>Per L.C. Bhadoo, J</u> We have perused the impugned order dated 21.12.2006 whereby the appellant's petition being W.P.(C) No. 5939/2006, has been dismissed by the learned Single Judge observing that the appellant herein was entitled to move an application in W.P.No. 1933/2006 for modification of the order dated 13.4.2006 by which he was restrained from running the liquor shop as per licence granted to him. Learned counsel for the appellant argued that after passing of the order dated 13.4.2006 on the one hand, the appellant herein was not allowed to run the liquor shop, at the same time on the other hand, excise authorities forced him to deposit the licence fee and security amount without permitting him to run the liquor shop and that is why, it being a separate cause, the appellant herein filed W.P.(C) No. 5939/2006. During the course of argument learned counsel for the appellant submits that the appellant has not made any representation to the Excise Commissioner raising his grievances against the realization of licence fee and security amount.		

PTO.

मामला क्रमांक W.P.No. 1933/2006 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of above, we are of the consideration opinion that proper remedy, in the first instance, available to the appellant herein is to move a representation before the Excise Commissioner for redressal of his grievances. Therefore, the present petition is disposed of with a direction to the appellant herein to move a representation before the Excise Commissioner i.e. respondent No. 2 herein, within a period of 10 days from today, raising all his grievances i.e. inspite of stay granted by the High Court in W.P.No. 1933/2006 directing the appellant not to operate the liquor shop, licence fee and security amount has been realized illegally, who in turn shall decide the representation of the appellant herein in accordance with law within a period of 30 days from the date of receipt of the representation, in an objective manner considering the objections/grievances raised by the appellant herein and in case, the grievance of the appellant is not redressed, then he shall be at liberty to move an application for redressal of his grievances in W.P.No. 1933/2006 before this Court. Sd/- L.C. Bhadoo Judge	Sd/- Dhirendra Mishra Judge

P.T.O.

3-4-07
2014